



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jàn Burian and Daniel Bartfeld

Attorney's Docket No: 660081.411

Application No.: 09/444,281

Filed: November 19, 1999

For: EFFICIENT METHODS FOR PRODUCING ANTI-MICROBIAL CATIONIC
PEPTIDES IN HOST CELLS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§ 1.9(f) AND 1.27(c)) -- SMALL BUSINESS CONCERN

I declare that I am:

☐ the owner of the small business concern identified below.

☒ an official of the small concern empowered to act on behalf
of the concern identified below.

NAME OF CONCERN: Micrologix Biotech Inc.

ADDRESS OF CONCERN: B.C. Research Building, 3650 Wesbrook Mall

Vancouver, British Columbia Canada V6S 2L2

I declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §§ 121.3-18 and reproduced in 37 C.F.R. § 1.9(d) for purposes of paying reduced fees under 35 U.S.C. §§ 41(a) and 41(b) in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I declare that rights under contract or law have been conveyed to and remain with the small business concern with regard to the invention entitled:

EFFICIENT METHODS FOR PRODUCING ANTI-MICROBIAL CATIONIC
PEPTIDES IN HOST CELLS

by inventors: Jàn Burian and Daniel Bartfeld

as described in:

☐ the specification filed herewith.

☒ Application No. 09/444,281, filed November 19, 1999.

☐ Patent No. _____, issued _____.

If the rights held by the small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the

invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. § 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).*

*NOTE: Separate verified statements are required from each named person, concern and organization having rights to the invention averring to his/its status as a small entity. (37 C.F.R. § 1.27)

FULL NAME _____

ADDRESS _____

- ☐ individual
☐ small business concern
☐ nonprofit organization

FULL NAME _____

ADDRESS _____

- ☐ individual
☐ small business concern
☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Dany Hadary

TITLE OF PERSON OTHER THAN OWNER: President and CEO

ADDRESS OF PERSON SIGNING: Micrologix Biotech Inc.

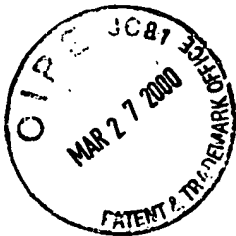
B.C. Research Building,

3650 Wesbrook Mall

Vancouver, British Columbia Canada V6S 2L2

SIGNATURE: _____

DATE: 22/02/00



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DECLARATION

As the below-named inventors, we declare that:

Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first, and joint inventors of the invention entitled "EFFICIENT METHODS FOR PRODUCING ANTI-MICROBIAL CATIONIC PEPTIDES IN HOST CELLS," which is described and claimed in the specification and claims of Patent Application No. 09/444,281, which we filed in the United States Patent and Trademark Office on November 19, 1999 and for which a patent is sought.

We have reviewed and understand the contents of the above-entitled specification, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a).

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Ján Burian

Date

000224

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